

**MINUTES**  
**CLARKSTON CITY COUNCIL**  
Tuesday, September 6, 2011, 7:00 PM

	<u>Officials Present</u>
Mayor:	Emanuel Ransom
Council:	Warren Hadlock, Dianne Leonetti, Dean Moore (arrived 7:15), Joan Swaney, Jean Brown (absent), Adam White
City Manager:	Keith Barker
City Clerk:	Tracy Ashby
City Attorney:	Stephen Quinn

Mayor Ransom called the meeting to order at 7:00pm.

The Pledge of Allegiance

**Approval of Council Minutes**

The minutes from the August 3, 2011 Council meeting were before Council for approval. Mr. Hadlock moved to approve the minutes as written. Ms. Swaney seconded the motion. Mayor Ransom opened the floor for discussion. **A vote was called and the motion carried.** (4/0)

**CITIZEN COMMENTS/CONCERNS**

Chris Busing, Mauck Street, voiced his concerns with the responsibility of the current city council members in reference to the Milam Park Aquatic Center Project; code enforcement and a citizen who went to jail for failure to appear. Mr. Busing also spoke of the recall of the mayor which he has initiated.

Mr. Knox, corner of Market Street and Poplar, stated that he understood we need code enforcement but his issue was more with how a neighbor of his (same citizen acknowledged by Mr. Busing) was jailed for missing two (2) court dates and the excessive amount of his bail and Mr. Knox would like to know specifically who and why.

Graham Thomas, Market Street, spoke on the necessity of code enforcement to make sure all comply with the rules and that if there is a problem with any rule then we need to change that ordinance in question. Code enforcement is to keep our properties looking good and helping to keep our property values up.

Talitha Mowery, College Avenue, referenced the same homeowner and spoke of selective code enforcement and the need to rethink code enforcement.

Bobby Wright, Cranford Drive, spoke of a problem with the water line leaking on Norman Road (at the entrance to the church parking lot) and that the county has been out several times to do temporary repairs.

Mayor Ransom commented that Mr. Simpkins (DeKalb County) came out to look at the water leak and another problem. The Mayor also said he would like all citizens concerned with Chip to come into City Hall.

## NEW BUSINESS

### Milam Pool Contract Change Orders – Mr. Larry Kaiser

The City Manager stated that a very thorough presentation was presented to the City Council Members at the past work session and as a result of that we have the following change items.

Change order #7 -the owner requested purchase and installation of two (2) hand dryers at the cost of \$2,317.57 and this is one (1) hand dryer per restroom. Mr. Hadlock made the motion to approve this change order. Ms. Swaney seconded the motion. **A vote was held and the motion carried. (5/0)**

Change order #11 - purchasing a pool cover. The recommendation is to approve the owner requested expenditure in the amount of \$15,903.67 for a pool cover. Mr. Kaiser, (project manager) stated that this vendor gave us a very good price compared to two other vendors that were contacted for pricing. Ms. Swaney made the motion to approve the change order. Mr. Moore seconded the motion. **A vote was held and the motion carried. (5/0)**

Change order #12 - purchasing a portable lifeguard chair. The recommendation is to approve the execution of the owner requested expenditure in the amount of \$2,500.00 for the purchase of one portable life guard chair and the project engineer has requested not to exceed the amount of \$2,500.00 for a six foot portable life guard chair. Ms. Brown made a motion to approve the change order. Ms. Swaney seconded the motion. A discussion followed concerning the portable life guard chairs by council and citizens. **A vote was held and the motion carried. (4/1Mr. Hadlock-No)**

Change order #13 - request of the City Council the project engineer submitted the following documentation for execution of the owner requested change order #13 to allow maximum flexibility in acquiring the best available life guard chair for the pool not to exceed the amount of \$1,900.00 for the afore mentioned three foot lifeguard chair. Mr. Moore made a motion not to approve change order #13. Ms. Swaney seconded the motion. **A vote was held and the motion carried. (5/0)**

Change order #14 -the project engineer provided the City Council a recommendation to share equally with Leslie Contracting the cost for a new sewer line (four inch sewer line) which will be a cost to the city of \$3,024.00. Leslie Contracting has not agreed to the cost share with the city. The project engineer gave a report indicating culpability on both the owner and the contractor. If approved this would confirm the city's fifty per cent share. There still needs to be negotiation in gaining approval from Leslie Contracting to do their fifty percent match and this will be handled administratively. We are asking for the approval of the city's pro rata share of \$3,024.00. Mr. Moore made a motion not to approve change order #14. Motion dies. Mr. Hadlock made a motion to approve change order #14. Ms. Swaney seconded the motion. A discussion followed with Council Members, Project Manager and the City Attorney on how to proceed. Mr. Hadlock withdrew his motion. Mr. Hadlock made a motion to table at this time and to approve having the City Attorney, City Manager and our Project Manager negotiate with Leslie Contracting the dollar amount for change order #14 and bring it back to the City Council for approval. Ms. Swaney seconded the motion. Citizens stated opinions on this change order. **A vote was held and the motion carried. (4/1Mr. Moore-No)**

Change order #15 -the project manager recommends that the cost to Leslie Contracting for delaying the pool concrete and gunite work activities that were halted. The value to that submitted by the sub-contractor is \$1,428.00. Mr. Hadlock made the motion to accept the change order. Ms. Brown seconded the motion. **A vote was held and the motion carried. (3/2 Mr. Moore & Ms. Swaney-No)**

Change order #16- the project manager presented the conceptual design and construction quote of \$5,573.88 for a new stone entrance sign into Milam Park. Leslie Contracting provided the quote as requested by the city of Clarkston (3'X3'X6'sign). The cost contained in this recommendation is for the stonework; the fabrication of the wood sign would be extra but would be a minimal cost. This is not a recommendation but brought to you for consideration. Mr. Moore made a motion to approve the sign. Ms. Brown seconded the motion. A discussion followed concerning other options given by citizens and council members for the sign and it was clarified that this is for the structure and not the sign. Mr. Moore withdrew his motion to approve the change order. Mr. Moore made a motion to table this and discuss re-design and consistency of other signs in the city in the future. The City Manager recommended we deny the motion instead of tabling it so it doesn't keep coming up on the agenda and to bring something entirely separate up at an appropriate time. Mr. Moore withdrew his motion to table the change order and made the motion to deny change order #16. Mr. Hadlock seconded the motion. **A vote was held and the motion carried. (4/1 Ms. Brown-No)**

#### **Interactive Defense System Agreement**

The City Manager gave a brief description of this agreement. This is a web based public safety and community based communication platform. Citizens will be able to register and sign up to access this web based platform which is public safety emphasized. Also note that this is at no cost to the city agreement. Ms. Leonetti made the motion that we enter into the agreement with the Interactive Defense System for the city of Clarkston. Ms. Swaney seconded the motion. **A vote was held and the motion carried. (5/0)**

#### **Sunday Alcohol Sales Referendum Resolution**

The City Manager explained that if we were able to transmit, (to DeKalb County Election Superintendent), an approved resolution this week that this referendum would then be placed on the November Ballot. Mr. Quinn stated this follows the general assembly setting up in the last session that local governments can put it to the voters to have Sunday alcohol sales or not and regarding the time period you see here, (12:30 pm to 11:30 pm) that is set by the state law. Everything in the resolution is tracking the state law but if the resolution is approved and if the citizens pass the referendum that we will need to slightly amend our alcohol code. Mr. Hadlock made the motion to accept the resolution for Sunday alcohol sales for retailers of wine, beer and distilled spirits on Sunday between 12:30 pm to 11:30 pm. Ms. Leonetti seconded the motion. **A vote was held and the motion carried. (5/0)**

#### **LMIG resurfacing Program Resolution**

This resolution is to confirm the Local Maintenance Improvement Grant otherwise previously known as LARP submittals by the city of Clarkston. The resolution has a letter attached that was

sent to the office of local grants with the Georgia Department of Transportation listing four street locations requesting grant funds to assist with repaving. Ms. Brown made the motion to approve this resolution that confirms the submittal of the LMIG grant application. Mr. Moore seconded the motion. Discussion followed by the council members concerning whether or not all locations would be done and Mr. Kaiser gave a brief explanation of the Georgia Evaluation System for repaving roads. **A vote was held and the motion carried. (4/1 Ms. Leonetti Abstained)**

#### **Resolution to Ratify Existing Aflac 125c Plan**

Mr. Quinn explained how it was found that the 125c Plan had only been signed by the City Clerk at that time, (Ms. Keys the Human Resources Representative), but who was not technically authorized to sign things on behalf of the city so we have created a resolution to ratify that action. Ms. Swaney made the motion to have the Mayor sign the 125c Plan resolution. Mr. Moore seconded the motion. **A vote was held and the motion carried. (5/0)**

#### **Alcohol Permit – Surf Fest, Clarkston Community Center**

Ms. Swaney explained that the Clarkston Community Center is having Surf Fest which is being held on September 24<sup>th</sup> and that they have requested a one day permit fee from the State of Georgia and also requesting a one day permit fee to sell alcoholic beverages from the city of Clarkston. The Clarkston Community Center has filled out the application and paid the fees and the request is that the application for the alcoholic beverage license for Clarkston Community Center be approved. Mr. Hadlock made the motion to approve application. Ms. Brown seconded the motion. **A vote was held and the motion carried. (5/0)**

The City Manager would like to add to the agenda the clarification regarding conditions set for 4312/4320 E Ponce de Leon. Mr. Moore made the motion to add this item to the agenda. Ms. Leonetti seconded the motion. **A vote was held and the motion carried. (5/0)** A discussion followed between the council members and by Mr. Wright (P&Z) on their interpretation of the conditions given to the property owner. The intent was that he (property owner) could move forward with those improvements (handicap ramp), there by understanding that he needed to get a building permit. Mr. Nune (property owner) has submitted drawings and had a meeting with Pond and the City Manager concerning the parking lot and what is required from him so he can send it to Planning and Zoning. Mr. Quinn said the intent of the conditions were not to put extra burdens on this person's project but to give him some exceptions as long as he is only doing what he brought us up front which is going to require parking and a handicap ramp so the fact that those technically require a building permit can't be what was meant or the conditions would have never had any meaning. Mr. Hadlock made the motion to accept the first scenario as referred by the City Attorney. Ms. Brown seconded the motion. **A vote was held and the motion carried. (5/0)**

#### **PLANNING & ZONING REPORT**

Mr. Wright said minutes for the August 15<sup>th</sup> meeting have been sent out and the next meeting is on September 19<sup>th</sup> at 7:00 pm.

#### **CORRESPONDENCE**

Ms. Ashby read letters of support for Mayor Ransom from Representative Karla Drenner (District 86) and the business owner of A Dong Market in Clarkston.

## **OLD BUSINESS**

### **Title VI Nondiscrimination Agreement GDOT**

This is a document that we are required to sign if we are the recipient of any federal highway administration dollars and due to our small size we have the opportunity to versus implementing our own nondiscrimination program to agree to comply with the programs set up by the GDOT and so we are asking for authorization for the City Manager to enter into an agreement and submit that to GDOT confirming we will abide by their nondiscrimination implementation plan. Mr. Moore made the motion to accept the agreement. Ms. Swaney seconded the motion. **A vote was held and the motion carried. (5/0)**

### **CITY MANAGER REPORT**

Mr. Barker again encouraged everyone to check the report on the city webpage to review at their leisure. The Police Officers are back to an 8 hour shift. We have been working with staff and a consultant to do a comprehensive review of our personnel and HR processes and procedures. From that review we have finished an employee handbook to bring to the work session and the two additional steps we still need is; one to review all our standard operating procedures in the Police Department to make sure they are consistent with the employee handbook and second is the city attorney reviewing our code of ordinances to make sure there is no conflicts with the employee handbook. We will bring to the council an agenda item amending the code to be consistent with the employee handbook and after that affirmative vote the handbook will become effective October 4<sup>th</sup> and will meet with all staff and give them a presentation with the highlights. We have also finished a very comprehensive review of our employee benefits and doing surveys to see how we compare to other jurisdictions. The annual city audit is finished and the management letter and findings are complete. A full report by the auditors will be brought to you by the work session this month. We have finalized an agreement with the Atlanta Youth Association which is to provide low cost tennis lessons to the youth of Clarkston and surrounding area (10 and under/8 and under). A dedication ceremony will be held on September 25<sup>th</sup> with representatives and officials from the United States Tennis Association in attendance to dedicate the courts along with the Mayor and Council. The Atlanta Youth Association will bring kids who are experienced players to demonstrate the new smaller courts. The power point presentation will be available online with the Streetscapes Project that is finally moving forward (funded with federal money). Per the Council's request, myself and the Mayor met with Mr. Chris Morris the Director of DeKalb Community Development regarding our request for additional community development block grant funding for the pool construction. The funds for 2012 have already been programmed but we did put in for some additional programming funds for 2013. We are close to implementing electronic ticketing whereby officers will type information into a computer in their vehicles and have the ticket printed out (small printers will be installed in their vehicles). Total funds collected to date, (January to August) \$622,293.00 compared to our revenue estimate of \$750,000.00 for fiscal year 2011 which is good news for our revenue. I would like to look at expenditures as to where we should be at this point and time of the year. Right now at the end of August we should be spending 67% of our total budget for fiscal year 2011 and we are at almost 63% and I would like to continue our trend of under spending instead of over spending.

## CITY ATTORNEY'S REPORT

None

## COUNCIL REMARKS

Ms. Leonetti – none

Mr. Moore – I encourage everybody to volunteer to do things within the city to help out with the programs we are developing in the upcoming future and to come to our work sessions to help keep you abreast of what is going on in the community.

Ms. Swaney – India Pullin with Step Up In Georgia is seeking donations for the annual Clarkston International Festival and also Commissioner Stan Watson is sponsoring the 2<sup>nd</sup> annual DeKalb County Emergency Preparedness Festival Saturday the 10<sup>th</sup> from 10am-3pm at the 1<sup>st</sup> Baptist Church in Tucker.

Mr. Hadlock - Asked the City Manager about any news on the Friendship Forest Grant and told the information is in the City Manager's report (online). I have received a number of concerns on Cold Springs or Cold Pond to get the owner of the property to rectify that situation. Mr. Barker stated a call has been made to the property manager and once I get a phone call back it is my intent to set up a face to face with the property manager and to come with some agreement regarding ongoing care maintenance of the property.

Ms. Brown - I am working on planning a cleanup thru Rivers Alive on October 29<sup>th</sup>. I am meeting with the Clarkston Active Living Group tomorrow to try scheduling some of the planning with them.

## MAYOR'S REPORT

Mayor Ransom reminded everyone that on September 10<sup>th</sup> Representative Karla Drenner is celebrating her 50th birthday between 6:00 pm to 8:00 pm at the Clarkston Women's Club. I attended a large celebration in Norcross where I spoke and the majority of them were from Clarkston. We need to get an arena here so we can hold some of these big affairs. We will be having a Candidate Forum on October 15<sup>th</sup> from 10am-12pm. Reminded anyone who has the little recycle grease bins to be sure the covers are locked down. On September the 11<sup>th</sup> we are holding the tenth anniversary of the 9/11 tragedy. The ceremony will be at City Hall and will begin at approximately 8:30 am in the morning and end at 9:15 am.

Ms. Swaney made a motion to adjourn the Council meeting and pay Council bills. Ms. Brown seconded the motion. **A vote was held and the motion carried.** (5/0)

The meeting adjourned at 9:15 pm.